UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/AC.115/L.675
10 June 1991

ORIGINAL: ENGLISH

SPECIAL COMMITTEE AGAINST APARTHEID

INTERIM REPORT OF THE SPECIAL COMMITTEE AGAINST APARTHEID

(Issued in accordance with a decision taken by the Special Committee at its 649th meeting, on 7 June 1991)

CONTENTS

	Paragraphs	Page
INTRODUCTION	1 - 4	3
I. ASSESSMENT OF THE PRESENT SITUATION IN SOUTH AFRICA	5 - 77	4
A. General	5 - 25	4
B. Measures towards establishing a climate for negotiations	26 - 42	8
1. Political prisoners, detainees and exiles	26 - 35	8
2. Repressive legislation	36 - 38	10
3. Bans and restrictions	39 - 41	11
4. Political trials	42	11
C. Impact of violence	43 - 67	12
D. Socio-economic inequalities	68 - 77	17
II. EXTERNAL ECONOMIC RELATIONS OF SOUTH AFRICA	78 - 99	19
A. Trade and transport links	81 - 88	21

INTRODUCTION

1. The present interim report of the Special Committee against Apartheid has been prepared in accordance with General Assembly resolution 45/176 E of 19 December 1990, in which the Assembly authorized the Special Committee "to publish an interim annual report during the first half of 1991 on developments in South Africa and on the international response thereto".

2. In the Declaration on Apartheid and its Destructive Consequences in Southern Africa, which was adopted by consensus in General Assembly resolution S-16/1 of 14 December 1989, the States Members of the United Nations declared that "a conjuncture of circumstances exists, which, if there is a demonstrable readiness on the part of the South African regime to engage in negotiations genuinely and seriously, ... could create the possibility to end apartheid through negotiations". Expressing the view that a new constitutional order, determined by the people of South Africa, should be based on the Universal Declaration of Human Rights and a number of specific fundamental principles, the Declaration listed five steps that the regime should take in order to create the necessary climate for negotiations. Accordingly, the present South African regime should, at the least:

> "(a) Release all political prisoners and detainees unconditionally and refrain from imposing any restrictions on them;
>
> "(b) Lift all bans and restrictions on all proscribed and restricted organizations and persons;
>
> "(c) Remove all troops from the townships;
>
> "(d) End the state of emergency and repeal all legislation, such as the Internal Security Act, designed to circumscribe political activity;
>
> "(e) Cease all political trials and political executions."

3. The Declaration further suggested guidelines for the process of negotiations and for the drawing up of a new constitution. It established a programme of action prescribing that the international community should not relax existing measures against the South African regime "until there is clear evidence of profound and irreversible changes, bearing in mind the objectives of this Declaration", and allowed for the return of South Africa to the fold of the United Nations upon adoption of a new constitution. Subsequent resolutions adopted by consensus by the General Assembly have affirmed the provisions of this Declaration. 1/

4. The present report assesses the compliance of South Africa with the terms set out in this historic Declaration, which has become the universally accepted yardstick with which the current process of change in South Africa is being assessed. 2/ The report covers the period from mid-October 1990 to May 1991.

I. ASSESSMENT OF THE PRESENT SITUATION IN SOUTH AFRICA

A. General

5. A year and a half after the adoption of the Declaration, the South African regime has failed to fulfil all of the five conditions set out in the Declaration to establish a climate conducive to negotiations. Furthermore, despite the proposed repeal of the Land Acts and the Group Areas Act and the revision of the Population Registration Act, profound changes that would irreversibly lead to the eradication of apartheid have not yet occurred. Nor has there been an agreement with the parties concerned on the modalities for the drafting and adoption of a new constitution. President Frederik Willem de Klerk has rejected the demand of the African National Congress of South Africa (ANC), and the Pan Africanist Congress of Azania (PAC), as well as other political and other organizations, for the establishment of a democratically elected constituent assembly to draft a constitution and has proposed, instead, a multi-party conference. The regime has also rejected the demand put forward by ANC for the formation of an interim Government during the transition period, pending the adoption of a new constitution. Indeed, the prospects for a speedy end to apartheid and the establishment of a united, non-racial and democratic South Africa appear to be less promising now than a year ago.

6. In spite of the contribution made by ANC towards the creation of this climate, the regime has not even complied fully with the agreements reached with ANC in May 1990 (the Groote Schuur Minute) and August 1990 (the Pretoria Minute). At 30 April 1991, the target date set for the release of all political prisoners and the return of exiles, many political prisoners were still in jail and thousands of exiles had not yet been allowed to return to their country. In fact, many of those political prisoners went on a hunger strike to demand their immediate release. The physical condition of some of them had seriously deteriorated at the time of writing the present report. Although President de Klerk has announced his intention to have the Internal Security Act, No. 74 of 1982, amended, it is not at all certain that the proposed amendments will rid the security legislation of its repressive content. At this stage, this legislation is still being used to curtail political activity.

7. Free political activity, which has been identified by the international community as a necessary condition for a negotiated resolution of the conflict, has been further hindered by the spiralling violence that has engulfed South Africa. The Special Committee has attributed this recurring violence largely to "the persistence of apartheid and other factors, including actions of those opposed to the democratic transformation of South Africa" and has warned that the current violence could "not only derail the process of negotiations but also create a legacy of profound hate and resentment that a future democratic South Africa can ill afford". 3/

8. The violence, including the killing of thousands of persons in townships throughout South Africa during the last six months, is one of the worst in the

country's history. This pervasive violence is preventing political organizations from rebuilding their structures, from recruiting new members and from engaging in a democratic debate on negotiations and a future constitution.

9. The unwillingness of the regime to undertake the steps recommended by anti-apartheid forces and independent organizations to bring this conflict under control raises the question as to whether Pretoria tolerates this violence because it reaps short-term political advantages. In that context, the official policy that has allowed the use of so-called cultural weapons is a specific example of the "malign neglect" shown by the regime. 3/

10. The Special Committee stated on 8 May 1991 that "if this violence is part of a grand design aimed at weakening ANC, as is widely suspected, it will prove to be both a self-destructive and a dangerous policy". 4/ In the final analysis, Pretoria could be displaying a profound political myopia in allowing this uncontrolled violence to undermine the national liberation movements and other political organizations which they need as partners in any future negotiations.

11. President de Klerk announced at the opening of Parliament on 1 February 1991 that some apartheid laws would be repealed. Yet, the measures proposed or adopted in that regard still fall short of meeting the demands of the anti-apartheid political forces within and outside South Africa. The bills that would repeal the Black Land Acts, No. 27 of 1913, the Development Trust and Land Act, No. 18 of 1936, the Group Areas Act, No. 36 of 1966, and the Black Communities Development Act, No. 4 of 1984, are a case in point of reforms with profound shortcomings. Furthermore, even the implementation of the repeal of other laws has been thwarted by the actions of certain local authorities. In that context, it should be emphasized that opposition political organizations have called for the eradication, not the reform, of apartheid.

12. Although the regime has already withdrawn from consideration four of the five bills proposed to repeal these Acts and have submitted new ones to Parliament, the revisions do not provide for full restitution to communities forcibly removed from their land, nor for the establishment of binding legal procedures to settle conflicting claims to land, or any redistribution of agricultural land. Rather than proposing a land reform, Pretoria appears to be seeking to perpetuate existing property and land rights. Opponents of apartheid within and outside South Africa have already pointed out the inadequacy of the new bills' provisions and have proposed alternative forms of redress.

13. The unwillingness of the regime to develop a unified and comprehensive policy of economic restitution that would address urgently glaring socio-economic inequalities remains a factor that can affect negatively the current process. In this connection, while the primary responsibility to redress these inequalities lies with the regime, the business community operating in South Africa should also bear a large part of that

responsibility, since the existence of the apartheid system has allowed it to obtain a rather consistent increase in the rate of profit of its investments. In 1989, for example, when there was negative growth rate, profits grew by an impressive 25.6 per cent. 5/

14. The majority of Black communities continue to face high levels of unemployment, a crisis in education, appalling living conditions and a health care system in disarray. The persistence of these inequalities fuels the deep frustrations and divisions sown by apartheid over generations and contributes to the violence. In that sense, the contradictions inherent to the current process of negotiations are creating a situation in which expectations about a political settlement continue to be raised but the slow pace of the process of negotiations and the shortcomings of the current changes fail to meet them. The threat to negotiations and to the creation of a future democratic South Africa lies in this contradiction.

15. While the Pretoria regime has taken some positive steps, it is clear that much more remains to be done. In line with the Declaration, pressure needs to be maintained on the regime to engage in serious negotiations on a new constitution with the leaders of the South African majority. However, some Member States appear to have overestimated the rate of progress and to have hastened to establish or strengthen links with Pretoria.

16. The international community has, on the whole, also recognized the need to support the national liberation movements, namely ANC and PAC, and civil society organizations, in their efforts to re-establish themselves after decades of repression. As requested by the General Assembly, the Secretary-General asked the Office of the United Nations High Commissioner for Refugees (UNHCR) to make itself available to assist in the repatriation of South African exiles. The recent announcement by Pretoria, according to which it would agree to allow UNHCR to undertake the repatriation process, is a positive development. Difficulties have arisen, though, concerning the specific modalities of the repatriation.

17. The period ahead will be critical in determining the future path to a democratic non-racial South Africa. The regime must implement in full the measures recommended by the Declaration as well as curb the violence effectively and impartially in order to create a climate of new confidence and trust, which would help reinstate the momentum for negotiations. It must also fully implement the agreements made with ANC in this regard. In that context, the unconditional release of all political prisoners, the adoption of a general amnesty to allow exiles to return to South Africa in conditions of dignity and safety, the repeal of repressive legislation and the adoption of an effective policy of socio-economic redress are issues that need to be addressed seriously and urgently. Any delay would have disastrous consequences.

18. At this stage, it is particularly urgent that Pretoria bring to an end the indiscriminate violence gripping Black communities and adopt effective steps to end the partiality of the security forces, in particular of the

police, in the execution of their duties. Law and order have little meaning if the majority of South Africans believe that the security forces are in collusion with forces of the extreme right (whether Black or White), to derail the process of change in the country. Only within an environment of peace can free political activity take place.

19. Divisions along ethnic, racial and socio-economic lines, that have been created and have been further exacerbated by apartheid, cannot be ignored as factors in the violent situation prevailing in South Africa. They contribute to fuelling a climate of instability in Black communities throughout the country and have been used by those opposed to the democratic transformation of the country to destabilize Black communities. It should be stressed that apartheid has created an intrinsically violent society that has prevented a culture of human rights from flourishing and a tradition of democratic political tolerance from taking root. Thus, it seems that a priority task of political organizations would be to encourage political debate on the constitutional future of the country at all levels of society and to develop effective mechanisms of democratic consultation and decision-making. Accountability could be a logical by-product of such a process. Open debate is seen as being essential because it can help not only to define the basic aspects of a post-apartheid society but also to foster the incipient elements of a true democratic system.

20. In that context, some recent joint efforts by organizations in South Africa are encouraging. For instance, negotiations on a fairer labour code conducted by the Congress of South African Trade Unions (COSATU), the National Council of Trade Unions (NACTU) and business, with Pretoria, led to the adoption of a new Labour Relations Act and the invalidation of the 1988 restrictive amendments.

21. The conferences held by both ANC and PAC in recent months reaffirmed support for their current efforts to achieve a political settlement and for their vision of a democratic non-racial South Africa. Furthermore, the agreement reached by both organizations in April 1991 to convene a conference of Patriotic Forces in August 1991 is a significant step towards the development of a united position on negotiations and a future South Africa.

22. A positive contribution to the political debate on a future South Africa was the publication by ANC of a discussion document on constitutional principles and the structure of a constitution for a democratic South Africa, as well as a draft bill of rights. The document on constitutional principles envisages a united, democratic, non-racial and non-sexist South Africa and a unitary State. Basic freedoms would be enshrined in a bill of rights. In a similar vein, COSATU released a document outlining five major points for a new constitution, notably: trade union rights; trade union independence; accountable government; a democratically planned economy; and equality between men and women. In addition, COSATU expressed support for press freedom.

23. Another positive contribution was the release by PAC of a discussion paper on economic policy for a democratic non-racial South Africa. Stressing

the need for the redistribution of wealth to the mass of the "currently, economically, disadvantaged African people", PAC stated that wealth redistribution could be carried out at individual company levels. This measure could become even more important than nationalization. Concerning land, the PAC policy would be to redistribute the land for use by all "citizens of Azania" and to make land compensation payments in the form of interest-bearing government bonds. 6/

24. At the time of his address to Parliament, President de Klerk issued a Manifesto for a New South Africa, outlining the principles that should govern the establishment of a new society. The Manifesto contains many principles similar to those included in the Declaration as well as those advocated by ANC on a new constitution. The Manifesto, however, envisages specific protection for the rights of minorities and remains vague on the important issues of the vote and the unity of South Africa as a nation.

25. Finally, it should be emphasized that the longer the regime delays the process towards negotiations on a new constitution, the greater the risks that the country will be plunged into a spiral of violence and recrimination that will hinder future national reconciliation and the creation of a democratic non-racial South Africa.

B. Measures towards establishing a climate for negotiations

1. Political prisoners, detainees and exiles

26. The events of the past few months underline the complex and fragile nature of the process of removing obstacles to negotiations. Pretoria did not undertake unilaterally all the measures necessary to establish a climate conducive to negotiations, as called for by the consensus Declaration. Nor did it implement fully the agreements reached with ANC that intended to foster this climate. Instead, by dilatory and legalistic tactics, it has delayed and endangered the process of change to which it professes commitment.

27. The 1989 consensus Declaration on Apartheid and its Destructive Consequences in Southern Africa outlined five conditions that the regime needed to fulfil unilaterally to create the necessary climate for negotiations (see para. 2 above). One of them referred to the unconditional release of all political prisoners and detainees. This matter was addressed during the meetings held between Pretoria and ANC.

28. The Pretoria Minute of 6 August 1990, which was agreed upon by ANC and the authorities, stipulated that the latest date envisaged for the completion of the total tasks in terms of the report of the Joint Working Group was not later than 30 April 1991. One of the main tasks assigned to the Group, which was established in accordance with the provisions of both the Groote Schuur and Pretoria Minutes, was to advise on norms and mechanisms for dealing with the release of political prisoners and the granting of immunity in respect of political offences to those inside and outside South Africa. It should be

underlined that the Indemnity Act, No. 35 of 1990, grants the power to indemnify solely to the State President.

29. By 30 April 1991, many political prisoners remained in jail and thousands of political exiles had not been allowed to return to South Africa. Furthermore, some of the exiles who were able to return were subjected to detention and harassment by the security forces.

30. The implementation of the provisions of the Groote Schuur and Pretoria Minutes has been seriously hindered by the reluctance of the regime to comply with the agreements. Pretoria has attempted to link the release of political prisoners and the granting of indemnity to exiles to the progress made by ANC in the suspension of its armed actions and related activities. Further difficulties emerged after Pretoria demanded that ANC suspend marches and other forms of mass action, claiming that these led to violence and were therefore subject to the provisions of the Pretoria Minute.

31. Following a meeting between Mr. de Klerk and ANC Deputy-President Nelson Mandela on 12 February 1991, ANC agreed that no new underground military structures and no military training of combatants would take place inside South Africa based on the understanding that the regime would undertake to expedite the release of political prisoners and the return of exiles. Pretoria also agreed that the population at large had a right to express its views through peaceful demonstrations. Yet, the arrest of political activists involved in various forms of mass actions has continued as evidenced in the spate of arrests and detentions that took place on 30 April 1991 and immediately thereafter.

32. Difficulties stemmed also from Pretoria's definition of political offences, which has varied over the months. As a consequence, fewer than 300 political prisoners, out of an estimated total of 2,500 to 3,000, had been released by December 1990, according to the Human Rights Commission of South Africa (HRC). By 1 May 1991, the total of releases effected or authorized had reached 933 persons. 7/ In protest against their continued imprisonment, political prisoners throughout South Africa began a hunger strike in May 1991. In a statement issued on 21 May 1991, the Special Committee pointed to reports of inhumane treatment being given to those political prisoners who had been hospitalized as a result of their hunger strike. It called for the release of all political prisoners in compliance with the provisions of the Declaration. 8/

33. The regime to this date has not been cooperative in expediting the release of political prisoners. This prompted the Lawyers for Human Rights (LHR) in South Africa to charge that the attitude of Mr. de Klerk and his deputies has been highly destructive and dishonest in attending to the release of political prisoners. Concerning the process of application and release of political prisoners, on 1 May 1991 LHR, among other things, pointed out that:

(a) It took almost three months for LHR to obtain the kind of access to prisoners it required in order to assist individuals in filling out the forms;

(b) In some prisons, political prisoners had to embark on hunger strikes before those in charge would release copies of the forms to them;

(c) Some prisoners filled in applications for release in November and December 1990. Their applications had not, by the time LHR issued its statement, received any response from the Office for Indemnity or from Mr. de Klerk;

(d) In violation of its agreements with ANC, the regime had insisted that those political prisoners under sentence of death should first have their sentences commuted before their applications for release could be dealt with. This stipulation formed no part of any agreement, either in the Pretoria Minute or in the Joint Working Group.

34. By the end of April 1991, only 5 per cent of the 30,000 or more political exiles had returned to South Africa under the terms of an indemnity granted against prosecution for leaving the country without permission. 9/ The regime stated that it had granted indemnity to some 4,000 applicants out of the 6,000 cases submitted by ANC. 10/ Nevertheless, returning exiles have complained of harassment by the security forces and of bureaucratic obstacles, such as having to fill out a form, the content of which amounts to a complete confession. As many as 30 exiles have been detained upon their arrival, some of whom were held incommunicado under section 29 of the Internal Security Act. 11/

35. An encouraging development in this regard was South Africa's decision to accept in principle that UNHCR be involved in the repatriation of exiles. No definitive agreement, however, has been reached yet on the modalities of the repatriation process. It should be noted that in cases of repatriation of political exiles, any involvement of UNHCR is conditional, inter alia, upon the granting of a general amnesty by the authorities concerned and free access to returnees.

2. Repressive legislation

36. The detention of returning exiles highlights the fact that repressive legislation remains in the statute book, in spite of undertakings by the regime to review it in order to create conditions for free political activity. Such activity continues to be circumscribed by the Internal Security Act, No. 74 of 1982, which is in force at this date. 12/

37. A bill was introduced in Parliament on 7 May 1991, providing for the repeal of those provisions of the Internal Security Act that relate to: the keeping of a consolidated list (of persons who may not be quoted); the prohibition on certain publications and writings; restrictions on the registration of newspapers; and offences relating to communism. The period of

preventive detention would be restricted to 14 days, but could be extended by the decision of a Supreme Court judge. 13/

38. Although the proposed amendments are a positive change, the security legislation is not yet voided of its full repressive content; for instance, the power to detain preventively is maintained. According to HRC, more than 85 persons are currently detained without trial (there were 150 in February 1991). In fact, during 1990, the number of detentions without trial doubled over that of 1989 and reached a total of 1,671. Reports of torture in detention continued to emerge and seven deaths in detention were recorded in 1990. 14/

3. Bans and restrictions

39. The regime announced in March 1991 that the ban on unauthorized public meetings, which was introduced in 1976, would not be renewed after its expiration on 31 March 1991. However, permission would still have to be obtained to hold marches. Also, while the Internal Security Act remains on the statute book, the Minister of Justice has the power to invoke the ban at some future date. During the period under review, the police continued to use heavy intervention to break up gatherings for which no permission had been granted.

40. Although press restrictions have been removed, in the recent past Pretoria used section 205 of the Criminal Procedures Act to compel journalists to reveal sources for articles on "controversial" issues. In fact, this section can be used when necessary to restrain press reporting.

41. In addition, the existing Public Safety Act, No. 3 of 1953, as amended in 1986, allows the proclamation of a state of emergency and the declaration of "unrest areas", which would amount to a mini-state of emergency. This law was used in 1990 and 1991, in particular in the Transvaal province.

4. Political trials

42. The number of political trials completed in 1990 increased over the previous year (from 395 to 697). HRC described this as an anomalous situation, inconsistent with the fostering of a climate of political tolerance in the country. By March 1991, more than 280 trials, involving upwards of 1,500 persons, were in progress. 15/ The expiration in March 1991 of the moratorium on death sentences, which had been declared by Mr. de Klerk on 2 February 1990, has been a further cause of concern, since 51 out of the 268 persons presently on death row are believed to be political prisoners. 16/

C. Impact of violence

43. The wave of violence that has engulfed the country for several months has deepened the mistrust of the anti-apartheid organizations towards the regime. Recent events demonstrate that the violence prevailing among Black communities, in addition to the violence generated by certain elements of the security forces and by death squads, could have a deleterious effect on the current process of removing obstacles to negotiations.

44. In resolution 45/176 A of 19 December 1990, the General Assembly expressed its grave concern at the recurring violence resulting largely from the persistence of apartheid and other factors, including actions of those opposed to the democratic transformation of South Africa, and warned that the violence posed a threat to the negotiation process. A similar assessment was made by the Special Committee against Apartheid on 28 March 1991. 3/

45. Violence in the Black communities alone caused more than 1,200 deaths between August 1990 and the end of March 1991. 17/ This violence shows no sign of abating as, according to the South African Institute of Race Relations, between 550 and 600 persons died in political violence in the first quarter of 1991. 18/ By the beginning of May 1991, more than 100 persons had died in the previous 10 days. 19/ The most recent events and, in particular, the random shooting of mourners at Sebokeng on 12 January 1991 and at Alexandra on 27 March 1991 have reinforced the belief that the violence has now spiralled out of control.

46. The violence between supporters of the Inkatha Freedom Party (IFP) and ANC has continued despite their peace agreement made at Durban on 29 January 1991 and in spite of the commitment to political tolerance taken at that meeting by both organizations. Following a meeting held on 30 March 1991, they agreed to reinforce the channels of communication and to develop peace forums in an attempt to defuse hostilities in the townships. 17/ Relations between the two organizations, however, deteriorated further during the months of April and May as both sides argued that the agreements were not being respected.

47. Pretoria, either by neglect or design, has failed to take necessary and impartial measures and to punish the perpetrators. In fact, persistent allegations have been made of complicity of some elements of the security forces in this violence, both in the townships around Johannesburg in the Transvaal, as well as in the province of Natal. A report entitled "Signposts to Peace", released in January 1991 by the Geneva-based International Commission of Jurists, 20/ showed that the police had frequently failed to intervene to stop violence in Natal. It called upon Mr. de Klerk to appoint a new Minister of Law and Order "who is not identified with discredited policies" and to ban the carrying of all weapons (including "cultural" weapons 21/ authorized in terms of the Natal code of Zulu Law) at all political meetings and rallies. Likewise, a study entitled "The Killings in South Africa", published in the same month by Africa Watch, a branch of the United States-based Human Rights Watch, stated that "the bias of State

security forces, who have either intervened or failed to intervene, has fuelled the conflict". The report also said that "the South African Police has repeatedly transported and accompanied armed Inkatha members and vigilantes and stood idle during attacks". 22/

48. Furthermore, LHR collected 150 affidavits and published a number of them in a report on the events that occurred in September 1990 in the informal settlement of Phola Park, near the township of Tokoza. More than 80 persons died and numerous shacks were destroyed during attacks on the settlement. According to LHR, "it would appear from the affidavits that even if police were not directly involved in the attacks on Phola Park, they were not consistent in their attempt to prevent the violence and destruction of shacks". Calling for an investigation into the Phola Park incidents, the report asked: "What was the relationship between the attackers and the police, who by all accounts appear to have been, if not directly supportive of the attackers, negligent in their duties?" 23/

49. These reports lend credence to the view of anti-apartheid organizations about the existence of a "third force". In its press statement of 27 April 1991, ANC accused "certain elements in the security forces" of attacking IFP and ANC leaders in the hope of reversing the trend towards a peace settlement between the two organizations. ANC said: "The intention of the third force as it manifests itself in various areas, is to create, where it does not exist, and to exacerbate, where it does exist, conflict between ANC and IFP." 24/ These accusations were reinforced in a statement made in April 1991 to the Natal Witness, an English-language daily newspaper, by a Black military policeman, Sipho Madlala. Stating that he had participated in the murder of Chief Mhlabunzima Maphumulo in February 1991, he claimed that the murder had been planned by a senior security officer of the South African Police. 25/ Chief Maphumulo was the former leader of the Congress of Traditional Leaders of South Africa (CONTRALESA) and an ANC member.

50. Evidence exists that elements of the security forces have been directly involved in violent acts. According to HRC, 323 persons were killed and 3,390 were injured by police action against political activities between 2 February 1990 and the end of that year. In March 1991 alone, 30 persons were killed and 135 injured as a result of security force action. 15/ Furthermore, 12 residents of the township of Daveyton were killed on 24 March 1991 after police opened fire on supporters of ANC at an unauthorized meeting. 26/ Calling for the immediate establishment of an independent commission of inquiry into the killings, ANC also called for the suspension of the police involved, pending the findings of the inquiry. 27/ On 29 March 1991, the authorities ordered a judicial inquiry into this incident.

51. Justice Eddie Stafford, conducting a similar inquest into the death of 42 persons in the township of Sebokeng in September 1990, criticized on 22 March 1991 the South African Defence Force (SADF) and described the SADF internal inquiry as a "total whitewash" of the incident. He concluded that a soldier had fired at the crowd without having received orders to do so. In a similar vein, Amnesty International stated in a recent report that there was

"a pattern of unlawful behaviour by members of the security forces" which lent weight to "allegations of unprovoked use of lethal force". 28/

52. The dismissal of a libel suit by the head of the police forensic service, Lieutenant General Lothar Neethling, against two newspapers that had accused him of supplying poison for the assassination of anti-apartheid activists, brought once again to the foreground the issue of death squads. Judge Johan Kriegler accepted evidence that death squads existed in South Africa and that the police had supplied poison for political murders. He also accused Lothar Neethling of lying during the procedures. 29/ The opinion thus expressed by Judge Kriegler contradicted the main conclusions of the investigation into the activities of death squads carried out previously by Justice Louis Harms, leading many organizations to call for a new investigation into these activities.

53. Furthermore, the assassination on 16 February 1991 of lawyer Bheki Mlangeni, an ANC member who had been investigating the activities of death squads within and outside South Africa and who was killed by a parcel bomb, prompted renewed criticism of a Civil Cooperation Bureau "culture" still remaining among elements of the security forces. Similarly, the disclosures by the South African Auditor-General that the infamous Civil Cooperation Bureau, which was officially disbanded in July 1990, had spent millions of rand after that date, reinforced the widely shared belief of many anti-apartheid activists that death squads have not ceased their activities. 30/

54. The regime has claimed to have restructured the security forces, but, in effect, it has only merged the Security Branch and the Security Police into a Crime Combating and Investigation Section. It has introduced in Parliament a police amendment bill, which would forbid police from being members of any political party. A "quick-reaction network" has been established with ANC to deal with community emergencies.

55. It should be noted that although the Defence Force expenditure fell from 15.2 per cent of total State spending in 1989/90 to 13.5 per cent in 1990/91 and will be reduced again to 11 per cent or R 9,187 billion, a total amount of R 4,632 billion will be allocated to the police in 1991/92. This figure represents an increase of 53 per cent over the previous financial year. 31/

56. Furthermore, questions continue to arise about defence funds being used for covert activities. In that connection, the Joint Committee on Public Accounts ruled that at least R 3.6 million of Civil Cooperation Bureau expenditure was unauthorized. Describing the method used by the Civil Cooperation Bureau to conduct business as a "catalogue of deceit", the Joint Committee also uncovered financial discrepancies after auditing the Civil Cooperation Bureau's account. Mr. de Klerk has been called upon to appoint an independent commission of inquiry to look into this issue. 32/

57. Human rights monitors, in fact, underline that while "formal repression using the basis of security and other legislation ... has declined in some form ..., informal repression is moving in rapidly to take the place of formal repression. It takes the form of illegal actions by security forces, vigilante attacks, hit squad strikes and right wing violence exercised by individuals, groups or even local councils, particularly in rural areas". 33/ At the same time, repression appears to focus on new targets, as it is "being relaxed or shifted away from some traditional targets such as the media, churches and even anti-apartheid organizations, and is being redirected against community-based structures and their members". 33/

58. Pointing to the crisis facing the country as a result of the violence, the National Executive Committee of ANC sent an open letter to Mr. de Klerk on 5 April 1991 stating that the "Government's equivocal attitude to the cycle of violence reflects either an attitude of cynical irresponsibility or is evidence of connivance at acts of organized terror in the hope that they will succeed in destroying or seriously crippling ANC". The letter, among other things, called for the dismissal of both the Ministers of Law and Order and of Defence, as well as for the suspension from duty of all police officers and constables implicated in the Sebokeng and Daveyton massacres. ANC demands also included the need for legislation outlawing the carrying of "traditional weapons", the visible, public dismantling and disarming of all special counter-insurgency units, the beginning of the process of phasing out the migrant workers' hostels and other labour compounds, and the establishment of an independent commission of inquiry to investigate and report on all complaints of misconduct by the police and other security services. If Pretoria failed to comply with these demands by 9 May 1991, ANC would suspend any further discussion or exchange with them. The demands thus formulated by ANC drew sharp criticism from the regime and from IFP.

59. In a statement made on 18 April 1991, Mr. de Klerk disclosed a ten-point plan to combat violence, denying that Pretoria was "uncaring about the violence and insensitive to the suffering that it creates". Announcing that he would convene a two-day summit, to be held at Pretoria on 24 and 25 May 1991, "with a view to an in-depth dialogue between the Government and the other interested parties on the violence and intimidation", he said that a standing commission of inquiry into the prevention and ending of politically inspired violence would be established. However, as in the case of other State-created bodies, the commission is to have only advisory powers.

60. In a half-hearted response to the long-standing demands of ANC and other democratic organizations, on 20 May 1991, the regime announced a measure in effect banning the carrying of "traditional weapons" only in areas designated as unrest areas. Such an approach is inadequate in so far as it leaves communities in much of the country, including Natal, vulnerable to attack by those who wield the so-called traditional weapons. It is based on the wrong notion that the way to address the problem is through the designation of certain areas as "unrest areas".

61. In relation to the violence, a report by the Community Agency for Social Enquiry (CASE) in South Africa, which is based on a study of press coverage on the matter, concluded that:

> "Inkatha supporters have been reported as the aggressors in the overwhelming majority (66 per cent) of attributable incidents of violence on the Reef. They have been described as using AK-47s and other firearms more than twice as often as so-called traditional weapons. The security forces are held responsible in nearly one fifth (18 per cent) of media reports. The figure for ANC is 6 per cent." 34/

62. As the conflict continues, various groups have put forward the position that only a concerted effort by a broad spectrum of South African society, working to address both the immediate violence and the underlying socio-economic inequalities, can help bring the violence to an end. Religious organizations and the non-racial trade union movement have been strong advocates of this position. On 8 May 1991, ANC, COSATU and the South African Communist Party (SACP) issued a statement pledging to work for peace and political tolerance in the country. They called upon the business community, trade unions, community organizations and political parties to cooperate in the process of phasing out the hostels and in implementing a broad policy of socio-economic upliftment.

63. The second National Congress of PAC, held in December 1990, adopted a resolution calling upon other political groups to curb the violence by holding regular seminars, workshops and peace rallies for all Africans, regardless of their political persuasion, to spread the message of "peace among the Africans! War against the enemy!"

64. Noting that the violence is posing a serious threat to the negotiations process, ANC reaffirmed on 18 May 1991 its commitment to the demands made in its open letter (see para. 58) and announced that it would "not involve itself in constitutional discussions with the Government, or in any all party congress to discuss the mechanisms for drawing up a new democratic constitution". 35/ While it would not participate in the meeting convened by Mr. de Klerk, ANC expressed its support for the initiative of religious leaders to convene a broad-based peace conference. Furthermore, it outlined a plan of mass action to back the demands of the open letter.

65. On 22 May 1991, PAC sent an open letter to Mr. de Klerk in response to his invitation to the organization to attend the multi-party conference on violence. While appreciating the motivation of those attending, PAC questioned both the purposes of the meeting and its ability to achieve much "as a crucial part of the agenda must be to advance the designs of the State". In the letter, PAC addressed a series of issues, including the continued existence of "CCB, askaris and other death squads employed by the State", as well as the imprisonment of PAC members and the existing obstacles to the return of PAC exiles. It also underlined the fact that the ongoing violence had been "directed primarily at communities which are highly politicized". It pledged to continue working closely with ANC, the Azanian People's Organization (AZAPO) and IFP in a bid to end the violence.

66. Attacks by extreme right-wing groups on property and individuals continued during the period under review, although at a somewhat reduced pace. During the period from July 1990 to the end of that year, 45 attacks by extreme right-wing groups were reported, in which 26 persons were killed and 138 were injured. 36/ Three members of the Afrikaner Weerstandsbeweging (Afrikaner Resistance Movement) were arrested in connection with one of the bloodiest incidents, notably an attack on a bus at KwaMashu, near Durban, on 9 October 1990, in which 6 people were killed and 27 were wounded. 37/

67. Resistance to the changes taking place in South Africa also appears to have hindered political activity in some of the "independent" bantustans. The situation in Bophuthatswana, in particular, is still a cause of major concern since repression has continued despite the lifting of the state of emergency in March 1991. Large-scale harassment of anti-apartheid organizations and individuals is preventing any type of free political activity. In November 1990, an execution was carried out under the laws of the bantustan, which also prevent trade unions based in other areas of South Africa from operating in Bophuthatswana. 38/ In the meantime, several attempted coups and other incidents have generated a tense political atmosphere in the Ciskei bantustan.

D. Socio-economic inequalities

68. Progress towards negotiations is also being hampered by the magnitude of the socio-economic problems affecting the poorest sections of the South African population and by the general shortcomings of the reforms undertaken by the regime in this field. Neither the trend towards the privatization of social services nor the mere abolition of segregationist rules can significantly reduce the blatant disparities existing in employment levels and in the services available to the Black majority if compared with those offered to Whites.

69. The process of change in South Africa is also being slowed down by inertia or resistance owing to a number of factors. Legal reforms are not always reflected by changes on the ground, as new laws are often not implemented effectively at the local level. Numerous municipalities, in particular those led by the Conservative Party, have resisted the desegregation of public facilities, and attempted to negate the Discriminatory Legislation Regarding Public Amenities Repeal Act by applying new prices or by privatizing - or even closing - public facilities. Similar resistance is being expressed to the proposed repeal of the Land and the Group Areas Acts. Mr. Andries Treurnicht, the leader of the Conservative Party, reacted to the announcement about the repeal of these Acts by warning that "the Government leaves us no choice but to rise up in the struggle to defend our living space and our freedom with the necessary means at our disposal". 39/

70. The implementation of the Land and Group Areas Acts has left a legacy of physical dispossession and poverty, most evident in the rural areas and increasingly critical in the urban areas. It is estimated that South Africa

has the highest degree of social and economic inequality of all countries in the world for which comparable data is available. At present, there are at least 8 million homeless in South Africa, out of a total population of 35 million or 40 million, who are living in shacks, makeshift shelters and such temporary structures.

71. According to the Surplus People Project, a South African-based group, about 3.5 million persons were forcibly moved between 1960 and 1983. Stellenbosch University researchers concluded that 4 million individuals had been removed between 1951 and 1986. This attempt to force 85 per cent of the population into 13 per cent of the land has created vast overcrowding. Added to this situation is the fact that for the past 20 years Pretoria failed to build adequate housing in urban areas for Blacks. A measure of that dispossession and overcrowding is shown in Soweto, the largest African township in South Africa. Although Soweto has officially 80,000 homes, in reality over 2 million persons live there, which means over 25 persons for every four-room house in Soweto. It is estimated that between 1.2 million and 6 million new homes will be needed by the year 2000 to make up for the housing shortage in South Africa. 40/

72. Furthermore, the regime's proposals on local government remain inadequate. In accordance with the proposals, local communities (White towns and Black townships) will, on a voluntary basis, be able to establish single administrations for the provision of services, hold joint meetings with the authorities to bind all participants and enter into agreements to unify the municipalities in whole or in part. Although these proposals respond in part to the pressure exerted by Black communities and to a process of negotiations between local authorities and popular community structures, they cannot, however, become a substitute for a national policy that abolishes discrimination.

73. Black civic organizations (community-based structures) continue to demand the unification of White towns and adjacent Black townships into a single municipality, governed on a non-racial democratic basis with services financed from a unified tax base. 41/ Recently, such demand has become widespread and the focus of mass demonstrations in townships in many parts of South Africa.

74. A study recently published by the University of the Witwatersrand Centre for Health Policy showed that, with the exception of a few hospitals, the policy of desegregation of provincial public hospitals, announced in May 1990, had not been implemented and that there had been "very little attempt to monitor whether the opening of the hospitals was occurring in reality as well as in policy". 42/ Even if the policy were to be implemented, the desegregation of hospitals would do little to change the fact that infant mortality in Soweto, at 80 to 1,000 newborn babies, is four times higher than the average infant mortality rate among the White population, or that the life expectancy of Black South Africans is only 62 years while it is 72 years for White South Africans. 43/

75. Similarly, the announcement by the Minister of Education and Culture in March 1990 that the principle of segregated State education would be abandoned cannot compensate for the fact that, until now, per capita education spending for Black children, at R 764, was only a small fraction of the R 3,800 or so spent on each White child. 44/ Besides, the desegregation of any White public school is voluntary: it is still subject to approval by more than 72 per cent of the total parent body of the school. In January 1991, some 205 out of 2,000 white schools opened their doors to all races, which, even if it has an important symbolic value, seems quite insignificant when compared with the huge shortages affecting Black education. 44/

76. The education crisis was once again highlighted when it was reported in January 1991 that of the 223,000 Black students who took the matriculation examination at the end of 1990, only 36 per cent graduated, representing the lowest pass rate for high school graduation in South Africa's history. 45/ Imbalances between the education provided to Black and White South Africans are particularly striking in the field of tertiary education and job training. In 1989, there were only 20 Black chartered accountants out of 12,000, while in 1988, Black students constituted only 33 per cent of the total student population at universities. 46/

77. Unless they are urgently addressed by the regime, these inequalities, by making the social fabric of the country even more fragile, could prevent any present or future political agreement from being reflected in the daily lives of the majority of South Africans. This situation could, in turn, worsen the frustrations of the disadvantaged sections of the South African population, as the gap increases between their rising expectations and their continuously deteriorating living conditions.

II. EXTERNAL ECONOMIC RELATIONS OF SOUTH AFRICA

78. South Africa's balance of payments improved remarkably in 1990. The sixth consecutive current account surplus rose by 87.1 per cent to an estimated R 5.8 billion from the revised downward R 3.1 billion in 1989. Preliminary customs and excise figures show declining imports, despite the higher oil bill, as a result of the strict monetary policies adopted by the Reserve Bank, and slightly increasing exports. For details on the current account balance see table 1.

79. The capital account of the balance of payments also improved considerably, with net capital outflows declining to R 2.5 billion from R 4.3 billion in 1989 and an average of more than R 5 billion in the previous five years. As a result, the rand remained substantially stable against other major currencies, and gold and foreign exchange reserves increased by R 1 billion in 1990, against a contraction by R 1.4 billion in the previous year.

Table 1

SOUTH AFRICA: CURRENT ACCOUNT OF THE BALANCE OF PAYMENTS, 1988-1990 a/

(In millions of rand)

	1988	1989	1989 (Quarterly) 1	2	3	4	1990 (Quarterly) 1	2	3
Merch. exports	31.267	39.085	34.842	42.866	39.986	38.646	41.660	39.527	42.852
Net gold exports	16.622	19.228	18.970	18.150	19.670	20.122	17.793	18.500	18.008
Merch. imports	38.940	44.322	41.519	48.560	44.841	42.368	43.577	44.140	46.503
+ Service receipts	7.686	9.754	9.066	9.359	10.318	10.273	10.515	10.646	10.591
- Service payments	16.992	20.857	19.731	20.870	20.267	22.560	20.772	21.375	21.244
Current account balance	2.728	3.108	1.653	1.163	5.187	4.429	5.577	3.623	4.232

Source: South African Reserve Bank, Quarterly Bulletin (Pretoria), December 1990.

a/ Seasonally adjusted annual rates.

/...

80. At the end of 1989, South Africa's total foreign debt was $US 20.6 billion, compared with $23.7 billion in August 1985, when the debt moratorium was declared. The repayments flow is proceeding rather smoothly but the debt burden remains a major constraint on the performance of the economy.

A. Trade and transport links

81. South Africa remains a primary commodity exporting country. Primary products, including mining, farming, fishing and forestry, accounted for 71 per cent of total exports in 1989. At the same time, Pretoria's effort to diversify its trade led to a reduction of the gold's share of exports, from 50.9 per cent in 1980 to 32.7 per cent in 1989. Furthermore, manufactured goods increased their share of exports, from 18 per cent in 1980 to 29 per cent in 1989. 47/

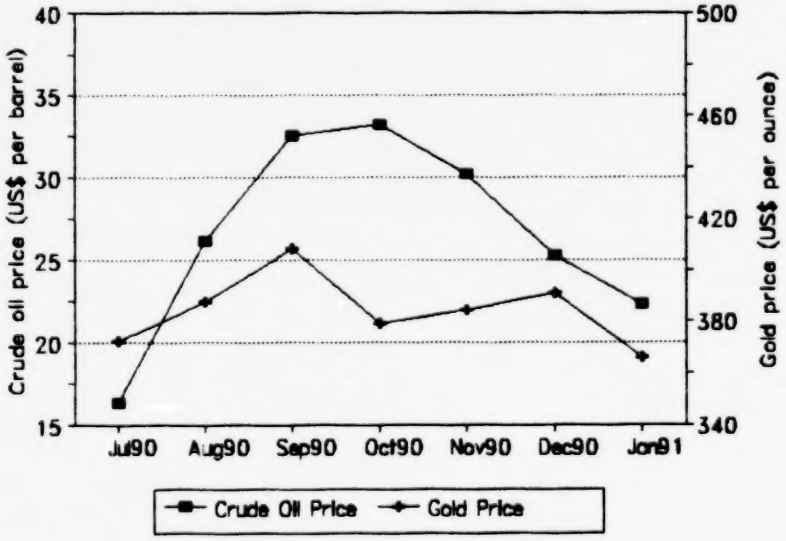
82. In 1990, manufactured exports performed remarkably well in spite of the slower world economic activity during that year. The three product categories, namely vehicles and transport equipment, professional and scientific equipment and machinery, registered the largest expansion, with respective increases of 66.1 per cent, 31.8 per cent and 28.7 per cent over the previous year. 48/ This performance is notable as the most successful sectors are capital and skilled-labour intensive. The volume of future South African exports will probably be affected by the decisions of the European Community in December 1990 and April 1991 to lift its ban on new investments as well as on the import of South African iron, steel and gold coins (Krugerrands).

83. On the import side, machinery and equipment remain the major imported products, followed by transport equipment, chemicals and oil. In 1990, imports of machinery dropped by only 0.7 per cent in relation to the previous year, against an estimated total decline in imports of 1.3 per cent. This figure is partly the result of the previous erosion of the capital base of the country during the 1980s, which prevented some particular imports from deeper contractions.

84. As South Africa depends on oil for 15 per cent of its total energy consumption, the rise in the oil price during the situation between Iraq and Kuwait placed some pressure on the economy (see table 2). However, during the fourth quarter of 1990, when prices were at their highest levels, the South African authorities postponed oil purchases, thereby limiting the effect of the price increase on the balance of payments. The steep rise in imports (56 per cent) in January 1991 indicates that oil was being bought again, at a considerably lower price. In fact, the "unclassified" sector, which includes strategic resources as oil and other raw materials, accounted for most of the rise in imports. 49/

Table 2

SOUTH AFRICA: THE PRICE OF THE IRAQ-KUWAIT CONFLICT



Source: Data for this table comes from the International Monetary Fund, International Financial Statistics (various issues).

85. According to the Amsterdam-based Shipping Research Bureau, in spite of the oil embargo, a total of 94 tankers delivered oil to South Africa during the period 1987-April 1990. In nearly all of the cases (91 out of 94) the tankers sailed from the Middle East. Prominent shipping companies based in Hong Kong, Greece and the United Kingdom of Great Britain and Northern Ireland have, to a large extent, replaced Norwegian companies in the transport of crude oil to South Africa. Meanwhile the Norwegian firms seem to have increased their transport of refined oil products. 50/

86. The relative importance of South Africa's main trading partners has recently undergone some changes. According to the London-based Economist Intelligence Unit, figures for 1990 show that Germany ranks first, followed by the United Kingdom (fifth in 1989), which has overtaken Japan, the United States of America and Italy. Italy remains the leading customer of South African goods, mostly represented by gold for the manufacture of jewellery, followed by Japan and the United Kingdom. Germany is also by far the main exporter, ahead of the United Kingdom and the United States. The next major partner is Taiwan, Province of China, with a 37 per cent increase in its trade over the previous year. 51/

87. South Africa has also recently strengthened trade relations with other countries. According to the South African Foreign Minister, trade with the rest of Africa almost doubled in the period 1989-1990, with exports to the rest of the continent soaring to $2.1 billion in 1990. 52/ Thirteen new South African missions were reported to have been established in the past financial year, namely seven in Eastern Europe and six in Africa. At least three new missions are likely to be opened in 1991 in the countries in Africa where trade is increasing most rapidly. 53/

88. Despite the campaign to discourage tourism to South Africa, the number of foreign visitors was reported to have reached the figure of 1 million in 1990, showing an increase of more than 10 per cent over the previous year.

B. Loans and credits

89. South Africa's external debt is gradually being reduced. However, the constraint imposed on the economy through its balance of payments is still substantial as the financial inflow into the country is not occurring nor is it likely to occur in the near future, even if financial sanctions are lifted. The unstable domestic political climate provides no reassurance yet to foreign creditors. A renewed access to International Monetary Fund (IMF) funding, which is presently blocked by the United States 1983 Gramm Amendment Act, could probably unlock other foreign sources of finance.

90. In the period under review, South Africa's access to external credit remained limited to trade-related finance and some officially guaranteed credits to public corporations.

91. Total foreign debt declined from $23.7 billion in August 1985, at the beginning of the debt crisis, to $20.6 billion at the end of 1989. At the same time, owing to the provision of an "exit option" in the three Interim Arrangements, which allowed creditor banks to convert debt inside the moratorium into long-term loans, the composition of the debt changed significantly. The level of debt within the moratorium decreased from $13.6 billion to $7.3 billion, while non-affected debt increased from $10.1 billion to $13.3 billion in the same period. 54/ As a consequence, the Third Interim Arrangement, running from July 1990 to the end of 1993, requires a lower level of repayment, which is estimated at an average of only $362 million a year.

92. In its 1990 Annual Economic Report, the South African Reserve Bank reported that South Africa's total repayment obligations for debt inside and outside the moratorium would total $2.2 billion for the entire 1990. Estimates of the London-based Centre for the Study of the South African Economy and International Finance suggest that the $2.2 billion includes $1,266 million in maturing Eurobonds, around $600 million in maturing medium-term loans resulting from the "exit option" of the First Interim Arrangement and $251 million in repayments of debt inside the moratorium, with the remaining $100 million probably in the form of maturing trade credits. 54/

93. The distribution of South African bank debt by creditor country indicates that the shares of the major creditors, notably the United Kingdom, the United States, France, Germany and Switzerland, have remained substantially steady in the period 1985-1989, with the exception of that of Germany, which has increased by over half, from 9.6 to 15.1 per cent.

94. The estimated total amount of outstanding officially guaranteed or insured trade credits to South Africa increased from $3.1 billion at the end of 1985 to $3.7 billion at the end of 1989. 55/ In 1990, an international consortium of banks from the United Kingdom, France and Germany agreed to provide $300 million in export finance at the subsidized consensus interest rate for the purchase of seven Airbus planes by South African Airways. In January 1991, Taiwan, Province of China, signed its first trade credit of R 150 million, to be used mostly for importing capital goods from that country in an effort to stimulate South African manufacture. 56/

95. An increasing proportion of non-bank trade credits have been long term. The percentage of credits with a maturity of more than one year rose from 37 per cent in 1985 to 63 per cent in 1989. This shift is quite important in view of the dependency of the South African economy on imported capital inputs that require long-term financing.

C. Foreign investment

96. Investment by transnational corporations has continued to play a decreasing role as a source of capital for the South African economy. According to the United Nations Centre on Transnational Corporations, by 15 January 1991, a total of 632 transnational corporations from various countries operating in South Africa had disinvested. 57/ Disinvestment, in terms of corporations withdrawing, has been most pronounced in the case of the United States. Around 60 per cent of firms based in that country have disinvested since 1985, compared with approximately 20 per cent of firms based in the United Kingdom, and a much lower proportion for companies based in Germany.

97. However, the percentage of withdrawing firms based in the United Kingdom becomes more meaningful if considered against the fact that companies based in that country account for an estimated 40 per cent of total foreign investment in South Africa. The slower pace of disinvestment of British firms compared with that of United States firms is associated to the larger proportion of the international operations of the British companies investing in South Africa.

98. Although disinvestment has slowed sharply, the tendency of United States firms to sever their non-equity links to South Africa, namely licensing and distribution agreements, has increased substantially: 10 companies severed or allowed their non-equity ties to expire during 1990. According to the Washington-based Investor Responsibility Research Center, this trend is due largely to the existence of the selective contracting laws that are in force in 49 states, cities and counties throughout the United States. These laws penalize companies with ties to South Africa. The latest instance in which

these laws have been applied was the refusal by the state of New Jersey in February 1991 to renew a contract with the Shell Oil Company to operate its service stations along the New Jersey Turnpike. The contract, worth about $50 million in revenues, was rescinded owing to the continuing involvement in South Africa of Shell's parent company. 58/

99. The value of South Africa's non-bank investments in Africa are currently estimated at around R 4 billion and contacts with potential business partners in that region are increasing. 59/ In Europe, Minorco, the overseas investment arm of the Anglo American Corporation of South Africa, after acquiring in October 1990 its first European mine producing tungsten concentrate in Portugal, agreed in March 1991 to purchase for $107.8 million the Elbekies Mühlberg company located in the former German Democratic Republic. 60/ This move constitutes South African business's first step into the aggregates industry in continental Europe. 61/

III. INTERNATIONAL ACTION AGAINST APARTHEID

A. General

100. The resolutions adopted by the General Assembly at its forty-fifth session, in December 1990, which reaffirmed the consensus Declaration, (see para. 2) suggested a two-pronged approach, namely maintaining pressure on the regime to eradicate apartheid and to engage in negotiations on a new constitution, and assisting the anti-apartheid forces and the victims of apartheid in South Africa.

101. General Assembly resolution 45/176 A, entitled "International efforts to eradicate apartheid", which was adopted by consensus, reaffirmed the provisions of the Declaration and the need for their full and immediate implementation. Noting that the process of change in South Africa remained at an early stage, it called upon all Governments and intergovernmental organizations to adhere strictly to the Programme of Action contained in the Declaration by maintaining the measures aimed at applying pressure on the South African regime. In addition, it called upon all Governments, intergovernmental organizations and financial institutions to use concerted and effective measures, particularly in the areas of economic and financial relations with apartheid South Africa, aimed at applying pressure to ensure a speedy end to apartheid. The resolution furthermore called upon all States, organizations and institutions to increase economic, humanitarian, legal, educational and other assistance and support to the victims of apartheid and to all those, including previously banned organizations, who oppose apartheid and promote a united, non-racial, democratic society in South Africa.

102. The international community appears to remain united in its willingness to eradicate apartheid. However, it has not been able to maintain a consensus in its response to the latest developments that have taken place in South Africa. In that connection, the Chairman of the Special Committee stated on 31 January 1991 that the international community had the duty to maintain pressure on South Africa during the whole process of negotiations and until a new constitution establishing a non-racial democracy in South Africa was adopted. 62/

B. Measures adopted by Governments and intergovernmental organizations

103. Several intergovernmental organizations have indicated that a lifting of sanctions would be untimely at this stage. At Harare, on 7 February 1991, the Ad Hoc Committee of the Heads of State and Government on Southern Africa of the Organization of African Unity (OAU) reviewed political developments in southern Africa and the implementation of its 1989 Declaration on the Question of South Africa. While taking note of the positive changes that had taken place in that country, the Committee resolved to maintain sanctions and all forms of pressure against the South African regime. Such measures were needed until "transitional arrangements and modalities on the process of drawing up and adoption of a new constitution, and of the transition to a democratic order, including the holding of elections" were agreed on. The Committee drew the attention of the international community to the objectives of the Declaration on Apartheid and its Destructive Consequences in Southern Africa and urged all States to desist from actions likely to undermine the effective implementation of resolutions on South Africa. 63/

104. Similarly, at a meeting held in London on 16 February 1991, the Commonwealth Committee of Foreign Ministers on Southern Africa, comprising the Foreign Ministers of Australia, Canada, Guyana, India, Nigeria, the United Republic of Tanzania, Zambia and Zimbabwe, recommended that sanctions be maintained until promises to dismantle apartheid were translated into concrete action. The Committee stressed that "the most important forms of pressure on the South African Government" (namely, trade and financial sanctions) should not be modified until "some further major step", such as the establishment of a constituent assembly or of an interim government, "has been taken down the path of constitutional reform". As for the arms embargo, it would not be lifted until such time as the new constitution is firmly in place. 64/ As regards sporting contacts with South Africa, the Committee agreed that "it was appropriate for those sporting codes which achieve unity to be recognized by the international community".

105. However, the response of some Member States to the recent changes in South Africa has been a matter of great concern. Mr. Bob Hawke, the Australian Prime Minister, has already declared that "the time has come for the international community to review systematically the measures it has in place on South Africa ... so now we intend to be among the first giving practical encouragement to Mr. de Klerk's reform process". 65/ Likewise, a report published in March 1991 by a select committee on foreign affairs of the House of Commons of the United Kingdom, said that "the time is fast approaching for the United Kingdom to remove all sanctions against South Africa". The report thus recommended that sanctions be lifted once the South African Parliament had repealed the key apartheid laws. However, it said that the international community should already begin to revive sporting links with South Africa and end the "out of date" cultural and academic boycott of that country. 66/ On 1 May 1991, the Government of the United Kingdom indicated that it endorsed the views expressed in the report of the House of Commons, in particular that all except military sanctions should be lifted upon the

enactment of legislation to repeal the Group Areas Act, the Land Acts and the Population Registration Act. In fact, South Africa has already been designated a "target market" in the latest edition of the British Overseas Trade Board's forward plan. 67/

106. The European Council of Ministers decided on 15 December 1990 that as soon as legislative action was taken by Pretoria to repeal the Land Acts and the Group Areas Act, the European Community and its member States would ease the set of restrictive measures adopted in 1986, in order to "encourage the process of change already begun". It also announced that the voluntary ban on new investments would be lifted immediately. 68/ Following Mr. de Klerk's address to "Parliament" on 1 February 1991, the European Community issued a statement confirming that the "necessary steps" would be prepared for an easing of the 1986 measures. 69/ Finally, on 15 April 1991, it was announced that the European Community was ending its five-year-old ban on imports of gold coins (Krugerrands), iron and steel from South Africa. 70/ However, the Parliament of Denmark has not yet approved this decision. 71/

107. This trend towards a progressive easing of measures against South Africa appears to have gathered momentum in several European countries over the past few months. In February 1991, for instance, at the end of a week-long visit to South Africa, a delegation of French members of Parliament said that sanctions applied by the Government of France could be lifted as early as June 1991 if the Land Acts and the Group Areas Act, as well as the Population Registration Act, were abrogated by then. 72/ On 25 April 1991, the Prime Minister of Ireland ordered a complete review of all relations and contacts between his country and South Africa, declaring that the reform process in South Africa was "irreversible and fundamental". 72/ Mr. de Klerk's official visits to the United Kingdom, Denmark and Ireland in April 1991 were a further sign of South Africa's improved standing in Western Europe.

108. Earlier, on 23 March 1991, the Foreign Ministers of the Nordic countries issued a statement on South Africa saying that "the time is approaching when the economic sanctions applied by the Nordic countries against South Africa must be re-examined", and that "the abolition of the apartheid system, which is based on legislative measures ... will make it possible for the Nordic countries to revoke economic sanctions". 73/ They added that the changes taking place in South Africa already justified their decision to rescind guidelines for the granting of visas to South African citizens.

109. The United States has, from the outset, outlined the conditions South Africa should meet before sanctions against it are relaxed. These conditions were spelled out in the Comprehensive Anti-Apartheid Act of 1986, which provided that before sanctions could be lifted, four out of five statutory conditions had to be met, including the release of all political prisoners, the lifting of the state of emergency and of the ban on democratic political groups, the repeal of the Group Areas Act and the Population Registration Act, and an agreement to enter into good faith negotiations, without preconditions, with truly representative members of the Black majority. While the United States Congress has shown reluctance to remove sanctions in the near future,

the United States Administration has indicated its wish to reconsider some of the measures ensuing from the Comprehensive Anti-Apartheid Act. In that context, observers believe that the measures that could be lifted would include the ban on South African Airways' landing rights in the United States, restrictions on the import of South African agricultural products and curbs on new investments in South Africa. 74/

110. On 30 April 1991, the United States Assistant Secretary of State for African Affairs stated that two conditions set by the Comprehensive Anti-Apartheid Act remained to be met by the South African authorities: the release of all political prisoners and the repeal of the Group Areas Act and of the Population Registration Act. He indicated that the United States Administration would closely review progress achieved concerning these two conditions, with a view to determining the time for the lifting of sanctions. He underlined, however, that should the sanctions under the Comprehensive Anti-Apartheid Act be lifted, various other non-Comprehensive Anti-Apartheid Act measures would remain in place and give "continued leverage" to the United States Government "as the negotiating process develops". These measures included the arms embargo, restrictions on exports to the military and police and the Gramm Amendment, which requires the United States to block any South African application for financing from IMF. 75/

111. This movement towards a relaxation of sanctions has been even more perceptible among Central and Eastern European countries, which were for decades in the forefront of the international campaign against apartheid. In several instances, the need to protect the interests of a growing number of Eastern Europeans settling in South Africa was invoked as the main reason for the opening of representative offices in that country. This substantial upgrading of formal relations between Central and Eastern European countries and South Africa seems to be accompanied by a willingness on both sides to increase commercial relations.

112. A consensus has been preserved by the international community, however, on the urgent need to increase support to the victims of apartheid. In its statement on South Africa issued on 15 December 1990, the European Council specified that "the Community and its Member States, with the objective of sending a clear signal of support to the victims of apartheid, and intending to contribute to a new economic and social balance in South Africa, have agreed to strengthen the programme of positive measures and adapt it to the requirements of the new situation, including requirements related to the return and resettlement of exiles". 76/ Similarly, at its meeting on 16 February 1991, the Commonwealth Committee of Foreign Ministers on Southern Africa decided to launch a programme for the training of Black South Africans in the fields of central administration, local government structures and management of public services. It would also formulate proposals for a wider programme of assistance in the area of human resources development. 77/

113. As pressure mounts from some quarters to relax the level of sanctions imposed on South Africa on the grounds that the regime should be encouraged to expedite the process of change, more Member States are likely to relax their

sanctions against South Africa in the coming months. However, measures applied at the local level and the activities of anti-apartheid and non-governmental organizations will remain for some time.

C. Measures adopted by non-governmental and other organizations

114. During the period under review, non-governmental and other organizations focused their anti-apartheid activities on three main areas: campaigning for the maintenance of sanctions against South Africa, providing support to the anti-apartheid opposition in South Africa and monitoring the political situation in that country, particularly in the field of repression.

115. At the end of their three-day summit meeting at Brussels in January 1991, the representatives of 25 European anti-apartheid organizations adopted a concerted programme of mass action, including the declaration of an international day of action on 6 April 1991. The participants agreed to concentrate their efforts in maintaining existing sanctions and to focus, as a priority, on the European Community, the Commonwealth and the United States. They also expressed their support for a series of initiatives aimed at reversing a trend towards the establishment of diplomatic and economic relations between Central and Eastern European countries and South Africa. On 25 April 1991, the Liaison Group of Anti-Apartheid Movements in the countries of the European Community stated that the Group had appealed to the President and the Council of Ministers of the European Community to suspend the Council's decision of 15 April 1991 to relax the sanctions adopted in 1986. The Group argued that since four of the five reform bills tabled in the South African Parliament on 12 March 1991 had been withdrawn, the Community's decision was unjustified.

116. The Association of West European Parliamentarians for Action against Apartheid (AWEPAA) has approached the Governments and parliaments of the Union of Soviet Socialist Republics, Poland, Czechoslovakia, Hungary, Romania and Yugoslavia concerning their relations with South Africa. At the invitation of the Czechoslovakian Government, AWEPAA decided to hold its first Eastern European Conference at Prague in June 1991, in cooperation with the Special Committee against Apartheid. AWEPAA has also recently urged the European Community and other Western countries not to revise further their policies on South Africa without first holding close consultations with representatives of the majority population in South Africa. 78/

117. Similar efforts aimed at preventing the relaxation of existing measures against South Africa were undertaken by anti-apartheid movements at the national level. In the United Kingdom, the British Anti-Apartheid Movement has, over the past few months, repeatedly urged its Government not to lift sanctions. In a new year message, Archbishop Trevor Huddleston, President of the Movement, stated: "We need to get our message across to the public, to Parliament and especially to the British Government that the entire peace process could break down unless real pressure is applied by the international

community to secure the removal of all the obstacles to negotiations." 79/ Also, the United Kingdom-based End Loans To South Africa wrote on 1 January 1991 to the major banking institutions based in the country, seeking assurances that they would refrain from extending loan facilities to South Africa.

118. In the United States, the Africa Fund, black artists and civil rights leaders met in March 1991 with the Speaker of the House of Representatives to present him with a petition signed by 60,000 persons in opposition to the premature lifting of sanctions at the federal level. It should be recalled that some of the most effective sanctions in the United States have been imposed by state and local legislatures. More than 20 states and 70 cities have already taken actions ranging from selective purchasing and contracting agreements which are aimed at penalizing companies doing business with South Africa. 74/ Eight states (Colorado, Georgia, Illinois, Mississippi, Nebraska, Nevada, Pennsylvania and Texas) are now considering the imposition of additional measures. 80/ In April 1991, the United States-based J. P. Morgan and Company announced that it would cease issuing American Depository Receipts, which allowed it to act as an intermediary for United States citizens owning shares in South African companies. The bank, which had been the target of a campaign by the Amalgamated Clothing and Textile Workers' Union because of its policy on the Receipts, was facing the possibility of losing significant underwriting business with the state of Massachusetts. 81/

119. Anti-apartheid movements have also endeavoured to publicize and gain support for the demands made by anti-apartheid organizations in South Africa for the establishment of an elected constituent assembly and of an interim Government. The South African coalition, formed by various British trade unions, religious and political groups, organized in February 1991 a conference with the theme "South Africa - the Struggle for Democracy". The Conference urged the Government of the United Kingdom to play a constructive role in the transition to a democratic society in South Africa, and to support demands for an interim Government. 82/ Likewise, the anti-apartheid movements gathered at Brussels in January 1991 undertook to appeal to their respective Governments to support proposals for an interim Government and a democratically elected constituent assembly.

120. Regarding the monitoring of the situation in South Africa, the Washington-based Lawyers' Committee for Civil Rights Under Law continued to publish updates on the transition process in South Africa which aim at providing concerned audiences with information about and analysis of each of the major steps taken in the negotiating process in South Africa.

IV. CONCLUDING REMARKS

121. South Africa is facing one of the greatest periods of conflict in its history. The roots to the current violence lie in apartheid itself and in the designs of forces that are opposed to the democratic transformation of the society or wish to obtain political advantages prior to the negotiations for a

new constitution. The reluctance of the regime to take impartial and effective measures to bring this violence under control is a determining factor in the current climate of distrust and intransigence in the country. Under such circumstances, only a limited progress was achieved in the recent period in removing the obstacles to negotiations and in commencing discussions on a democratic constitution. Indeed, the Pretoria regime has not yet fulfilled all of the five necessary conditions to create a climate conducive to negotiations, as set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa. Nor has it complied fully with all the agreements entered into with ANC. This apparently deliberate negligence on the part of Pretoria to observe commitments it has made results in a corrosive distrust of its intentions.

122. In that context, substantial progress towards negotiations would be made if the regime took immediate steps: to end the violence; to release all political prisoners and allow the return without restrictions of all exiles; to repeal effectively the main pillars of apartheid; and to abrogate all repressive legislation designed to circumscribe political activity. These measures would go a long way towards rebuilding the confidence of all parties concerned in the current process of change in South Africa. Furthermore, a firm commitment by Pretoria to the establishment of a comprehensive programme of socio-economic redress for the Black population would not only be a measure of justice but it would also create a more stable environment for the economic growth of the country.

123. Two further issues will have to be addressed before the process of negotiations on a new constitution could get under way: (a) the modalities which will be employed for discussions on a new constitution; and (b) the transitional arrangements required to govern the country during the process of negotiations, a matter that remains a source of intense political debate.

124. In this connection, consultations among anti-apartheid political organizations seeking to reach consensus on these matters would contribute to creating a framework for discussion and debate on the constitutional future of the country. The forthcoming Conference of Patriotic Forces, agreed on by ANC and PAC, is a timely initiative in this regard. Likewise, the joint efforts undertaken by COSATU and NACTU, as well as by civic, youth, women and religious organizations, indicate that the potential exists in South Africa for strong structures of popular organization. These, in turn, can develop a dynamic relationship with political parties and such other groups.

125. The international community faces a daunting challenge ahead. The consensus on South Africa built since December 1989 at the United Nations should be safeguarded. Member States should not disregard their political and moral commitments undertaken in the General Assembly. It should be borne in mind that apartheid will end only when a new constitution establishing a democratic, non-racial system is in place.

126. It would be important for the international community to recognize that the parties to future negotiations have neither moral equivalence nor equal

power. Future negotiations will be held between those whose authority is based on a system which has been universally condemned on the one hand, and those whose struggle is for the realization of the principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights on the other. It will be between a party that holds the reins of power and those forces that are subject to this power. It is important, therefore, that the latter forces be supported until the negotiations on a new constitution are concluded. This objective can be achieved by maintaining pressure on South Africa. A premature lifting of pressure, which would result in the elimination of sanctions and in the estabishment of close relations with South Africa, will be counterproductive if not outright dangerous. The content of the required pressure should be agreed upon by the international community after consultations with the national liberation movements and the other anti-apartheid forces in the country. Assistance to the disadvantaged sections of South African society should also be foremost among the international community's concerns.

127. Ultimately, the task of the international community should be to foster through pressure and assistance the process of negotiations on a new constitution and to see to it that a united, non-racial and democratic society in South Africa is established as soon as possible.

128. An historical opportunity has opened in South Africa. Differences regarding modalities of negotiations, economic policy objectives, aspects of human rights protection, and the degree of checks and balances embodied in a new constitution, are matters that could be overcome. In that context, the statesmanship and foresight displayed by the Black leadership hold the promise that, despite setbacks and multiple difficulties, the process towards a democratic, non-racial South Africa will move forward.

Notes

1/ See, for example, resolution 44/244.

2/ See the report of the Secretary-General entitled "Progress made in the implementation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa" (A/44/960).

3/ See United Nations press release GA/AP/2015.

4/ See United Nations press release GA/AP/2021/Rev.1.

5/ South African Labour Bulletin (SALB) (Johannesburg), vol. 15, No. 7, April 1991.

6/ Business Day (Johannesburg), 18 September 1990.

Notes (continued)

7/ Human Rights Commission of South Africa/International Defence Aid Publications, Political Imprisonment in South Africa, Special Report, SR-10 (Braamfontein), April 1991; Human Rights Commission, press statement 91/13, 30 April 1991 and Update on Political Prisoner Releases of 1 May 1991.

8/ See United Nations press release GA/AP/2025.

9/ The New York Times, 24 April 1991.

10/ Business Day (Johannesburg), 10 February 1991.

11/ The Star (Johannesburg), 10 February 1991.

12/ See A/44/960 and A/45/22.

13/ Press release No. 10/91 of 7 May 1991, issued by the Permanent Mission of South Africa to the United Nations.

14/ Human Rights Commission, Fourth Update on Anatomy of Repression, 4 February 1991, Human Rights Update, March 1991 and Weekly Briefing, 12/91, 10 April 1991.

15/ Human Rights Commission, Review of 1990, February 1991 and Human Rights Update, March 1991.

16/ The Christian Science Monitor (Boston), 5 March 1991 and Human Rights Commission, Human Rights Update, March 1991.

17/ The New York Times, 31 March 1991.

18/ The Guardian (London), 9 April 1991.

19/ The Christian Science Monitor (Boston), 6 May 1991.

20/ International Commission of Jurists, "Signposts to Peace", December 1990.

21/ See A/45/22-S/21953, footnote 33, for a description of the amendment regarding "cultural" weapons.

22/ Africa Watch, The Killings in South Africa - The Role of the Security Forces and The Response of the State (New York), January 1991, and The Star (Johannesburg), 24 January 1991.

23/ LHR, Phola Park - Community Under Siege, January 1991.

24/ ANC, Department of Information and Publicity, Press Statement on Violence, 27 April 1991.

Notes (continued)

25/ The Christian Science Monitor (Boston), April 1991.

26/ The New York Times, 25 March 1991.

27/ ANC, Department of Information and Publicity, Press Statement on the Daveyton Massacre.

28/ Human Rights Commission, Human Rights Update, March 1991 and The Financial Times (London), 23 April 1991.

29/ Cape Times (Cape Town), 22 January 1991, Reuter dispatch, 23 January 1991, and report of the Independent Board of Inquiry into Informal Repression (Braamfontein), April 1991.

30/ The Guardian (London), 21 February 1991.

31/ S. A. Barometer (Johannesburg), vol. 5, No. 6, 29 March 1991, and The Financial Times (London), 19 February 1991.

32/ S. A. Barometer (Johannesburg), vol. 5, No. 6, 29 March 1991, and The Sowetan (Johannesburg), 22 February 1991.

33/ National Anti-Repression Forum (NAREF), press statement, 5 March 1991.

34/ CASE, "Inkatha/ANC Responsibility for Reef Violence: CASE Research Statistics" (Braamfontein), 20 May 1991.

35/ Press statement of the Extended National Executive Committee Meeting of ANC, Marshalltown, 18 May 1991.

36/ Human Rights Commission, Fourth Update on Anatomy of Repression, 4 February 1991 and Weekly Briefing, 12/91, 10 April 1991.

37/ Report of the Independent Board of Inquiry into Informal Repression (Braamfontein), October 1990.

38/ Mafikeng Anti-Repression Forum, Memorandum on the Status of Bophuthatswana, 20 February 1991.

39/ Reuter dispatch, 15 March 1991.

40/ ILO/2353.

41/ Several studies have been conducted in this respect. For instance, the findings of PLANACT, a service organization, assisted the Soweto People's Delegation in demanding the unification of Johannesburg and Soweto and the establishment of a single tax base for both areas.

Notes (continued)

42/ The Weekly Mail (Johannesburg), 22 to 27 March 1991.

43/ The Star (Johannesburg), 13 February 1991.

44/ The Financial Times (London), 31 January 1991.

45/ The Washington Post, 8 January 1991.

46/ Commonwealth Committee of Foreign Ministers on Southern Africa, Interim Report of the Expert Group on Human Resources Development for a Post-Apartheid South Africa (London), 1990.

47/ The Financial Times (London), 28 February 1991.

48/ Financial Mail (Johannesburg), 8 February 1991.

49/ Cape Times (Cape Town), 20 February 1991.

50/ Shipping Research Bureau, Newsletter on the Oil Embargo against South Africa (Amsterdam), fourth quarter 1990.

51/ Financial Mail (Johannesburg), 22 March 1991.

52/ The Christian Science Monitor (Boston), 19 April 1991.

53/ Business Day (Johannesburg), 19 February 1991.

54/ Jonathan I. Leape, South Africa's Foreign Debt and the Standstill, 1985-1990, Centre for the Study of the South African Economy and International Finance (London), February 1991.

55/ Jonathan F. Garner, The Trend in Trade Credits for South Africa, Centre for the Study of the South African Economy and International Finance (London), December 1990.

56/ The Star (Johannesburg), 23 January 1991.

57/ Report of the United Nations Centre on Transnational Corporations, "Transnational Corporations in South Africa" (E/C.10/1991/10).

58/ The New York Times, 12 February 1991.

59/ Business Day (Johannesburg), 6 March 1991.

60/ Through accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State. As from the date of unification, the Federal Republic of Germany acts in the United Nations under the designation of "Germany".

Notes (continued)

61/ The Financial Times (London), 21 March 1991.

62/ Special Committee against Apartheid, Notes and Documents, No. 2/91, February 1991.

63/ OAU, Ad Hoc Committee of Heads of State and Government on Southern Africa, Harare Communiqué, 7 February 1991.

64/ Commonwealth News Release (London), 16 February 1991.

65/ Sunday Tribune (London), 3 February 1991.

66/ The Guardian (London), 5 March 1991.

67/ Business Day (Johannesburg), 2 May 1991.

68/ European Council, Statement on South Africa, 15 December 1990.

69/ European Community, Declaration on South Africa, 4 February 1991.

70/ The New York Times, 16 April 1991.

71/ Agence France Presse dispatch, 19 April 1991.

72/ The Citizen (Johannesburg), 28 February 1991.

73/ Ministry of Foreign Affairs, Sweden, press release, "Statement on South Africa made at the meeting of the Foreign Ministers of the Nordic countries at Karlshamn on 22-23 March 1991", 23 March 1991.

74/ The Financial Times (London), 15 March 1991.

75/ Testimony of the Assistant Secretary of State for African Affairs, Mr. Herman Cohen, before the House Foreign Affairs Subcommittee on Africa (Washington, D.C.), 30 April 1991.

76/ European Council, Statement on South Africa, 15 December 1990.

77/ Commonwealth News Release (London), 16 February 1991.

78/ AWEPAA, News Bulletin, vol. V, No. 1, January/February 1991.

79/ New Nation (Johannesburg), 18 January 1991.

80/ The Star (Johannesburg), 12 March 1991.

81/ Business Day (Johannesburg), 30 April 1991.

82/ The Star (Johannesburg), 22 February 1991.

Annex I

COMPOSITION OF THE SPECIAL COMMITTEE AGAINST APARTHEID AND ITS SUBSIDIARY BODIES, AND OF THE INTERGOVERNMENTAL GROUP TO MONITOR THE SUPPLY AND SHIPPING OF OIL AND PETROLEUM PRODUCTS TO SOUTH AFRICA AND THE COMMISSION AGAINST APARTHEID IN SPORTS

A. Special Committee against Apartheid

1. The Special Committee against Apartheid, established by General Assembly resolution 1761 (XVII) of 6 November 1962, is composed of the following 17 Member States:*

Algeria
Ghana
Guinea
Haiti
India
Indonesia
Malaysia
Nepal
Nigeria
Peru
Philippines
Somalia
Sudan
Syrian Arab Republic
Trinidad and Tobago
Ukrainian Soviet Socialist Republic
Zimbabwe

2. At its 645th meeting, on 31 January 1991, the Special Committee unanimously re-elected Professor Ibrahim A. Gambari (Nigeria) as its Chairman and Mr. Guennadi I. Oudovenko (Ukrainian Soviet Socialist Republic), Mr. Jai Pratap Rana (Nepal) and Dr. Marjorie Thorpe (Trinidad and Tobago) as Vice-Chairpersons. Mr. Virendra Gupta (India) was re-elected as Rapporteur.

3. At the same meeting, the Special Committee elected Mr. Kofi Nyidevu Awoonor (Ghana) as Chairman of its Subcommittee for the Implementation of United Nations Resolutions on South Africa and Mr. Simbarashe Simbanenduku Mumbengegwi (Zimbabwe) as Chairman of its Subcommittee on Developments in South Africa.

---

* Through accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States united to form one sovereign State which acts in the United Nations under the designation "Germany". On 6 November 1990, the President of the General Assembly was informed that the German Government had decided not to exercise the right to take its seat in the Special Committee against Apartheid. On 30 November 1990, the Government of Hungary informed the President of the General Assembly that Hungary had decided to withdraw from the Special Committee.

B. Subsidiary bodies of the Special Committee

Subcommittee on the Implementation of United Nations Resolutions on South Africa

Ghana (Chairman)
Guinea
Nepal
Nigeria
Philippines
Somalia
Sudan
Syrian Arab Republic

Subcommittee on Developments in South Africa

Algeria
Haiti
India
Indonesia
Malaysia
Peru
Trinidad and Tobago
Ukrainian Soviet Socialist Republic
Zimbabwe (Chairman)

C. Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa

Algeria
Cuba
Indonesia
Kuwait (Vice-Chairman)
New Zealand
Nicaragua
Nigeria
Norway (Rapporteur)
Ukrainian Soviet Socialist Republic
United Republic of Tanzania (Chairman)

D. Commission against Apartheid in Sports*

Hamad Abdelaziz Al-Kawari (Qatar)
Ahmad Fathi Al-Masri (Syrian Arab Republic)
Hocine Djoudi (Algeria)
Raul Gonzalez Rodriguez (Mexico)
James Victor Gbeho (Ghana)
Lionel Hurst (Antigua and Barbuda)
Besley Maycock (Barbados)
Abraham Ordia (Nigeria)
Sedfrey Ordonez (Philippines)
Vladimir Platonov (Ukrainian Soviet Socialist Republic)
Allan Rae (Jamaica)
Boris Topornin (Union of Soviet Socialist Republics)
Zoumana Traore (Burkina Faso)
Mulu Wale (Ethiopia)

---

* According to the International Convention against Apartheid in Sports (see General Assembly resolution 40/64 G, annex), in particular article 11, paragraph 5, the members of the Commission "shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the Commission".

Annex II

CHRONOLOGY OF THE MAIN DEVELOPMENTS IN SOUTH AFRICA, OCTOBER 1990-MAY 1991

7 October 1990

1. The General Secretary of the Pan Africanist Congress of Azania (PAC), Benny Alexander, states that his organization will not participate in current talks on negotiations, unless majority rule and redistribution of resources, specially the land, is on the agenda.

8 October

2. President Frederik Willem de Klerk and Nelson Mandela meet to discuss violence.

9 October

3. White gunmen attack a public bus in the township of Kwa Mashu, near Durban, killing 6 persons and injuring 27 others.

15 October

4. The Discriminatory Legislation Regarding Public Amenities Repeal Act comes into effect.

5. The United States Administration describes progress in South Africa as "dramatic and irreversible".

6. Ten persons die and 40 are injured during fighting at the Hlobane coal mine, near Vryheid in Natal.

18 October

7. The state of emergency is lifted in the province of Natal.

8. PAC demands the immediate unconditional release of the Upington 14 and calls upon the regime to abolish the "common purpose" doctrine.

19 October

9. The National Party opens its ranks to all South Africans.

23 October

10. The President of PAC, Zephania Mothopeng, dies at Johannesburg at the age of 77. In that connection, PAC members in exile are refused entry into South Africa in violation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa.

11. President de Klerk visits the Netherlands. Earlier he visited the United Kingdom of Great Britain and Northern Ireland and Portugal.

25 October

12. South Africa and Romania sign a trade agreement.

30 October

13. Poland and South Africa agree to set up an "office of interests" in each other's capitals.

2 November

14. The Inkatha Freedom Party (IFP) leader, Chief Mangosuthu Gatsha Buthelezi, and the Conservative Party leader, Andries Treurnicht, jointly reject "domination, terrorism and communism".

7 November

15. The Rustenburg Declaration is adopted at a meeting of 230 delegates representing 80 demoninations and 40 organizations. It agrees on the "unequivocal rejection of apartheid as a sin" and on restitution to the victims of apartheid.

13 November

16. The Harms Commission of Inquiry report on death squads does not recommend any action against members of the Civil Cooperation Bureau.

14 November

17. The Land Commission Workshop of the African National Congress of South Africa (ANC) calls for a major redistribution of land based on the needs of land users, to be carried out through selective nationalization.

18. Czechoslovakia and South Africa agree to establish consular relations.

16 November

19. Romania establishes consular and commercial relations with South Africa.

22 November

20. Bulgaria and South Africa agree to open "interests sections" in each other's capitals.

26 November

21. A group of White men beat (sjambok) about 200 children having a picnic at a recently desegregated park.

27 November

22. A delegation from the Union of Soviet Socialist Republics (USSR) arrives at Johannesburg to discuss South African assistance concerning the Chernobyl disaster.

23. At least 11 persons die during fighting at a squatters' camp in the township of Kathlehong, Transvaal Province.

29 November

24. Under the auspices of Anglican Archbishop Desmond Tutu, 37 delegates discuss peace in the Black community.

30 November

25. Two persons are killed and six are wounded in the squatter camp of Phola Park near Johannesburg after police open fire from armoured vehicles.

6 December

26. Nelson Mandela asks European Community leaders to postpone any review of sanctions until February or March 1991.

27. ANC marches at Pretoria, Johannesburg and Bloemfomtein demand the release of political prisoners.

9 December

28. At its first national conference in South Africa since 1959, PAC rejects participation in ongoing talks towards negotiations unless such negotiations are preceded by an election for a constituent assembly on the basis of one person, one vote, on a common voters' roll.

13 December

29. At the conclusion of its debate on apartheid, the United Nations General Assembly decides to maintain pressure on South Africa.

15 December

30. The European Council of Ministers lifts the ban on new investments in South Africa.

16 December

31. The ANC's first national consultative conference in South Africa in 31 years decides that 1991 will be a "year of mass action". It rejects a call to relax international sanctions.

5 January 1991

32. Groups armed with AK-47 automatic rifles attack two villages, killing 12 persons in the Natal province.

7 January

33. The Department of Education and Training reports the lowest pass rate for Black high school graduates in South Africa's history, namely 36 per cent of 223,000 Black students.

8 January

34. ANC calls for the convening of an all-party congress while reiterating its demand for an elected constituent assembly and for an interim Government.

12 January

35. Gunmen fire at mourners, killing 35 persons and injuring 40 in the township of Sebokeng, Transvaal Province.

13 January

36. Thirty-four persons die and 50 others are injured during fighting at a football match in Orkney, Transvaal Province.

18 January

37. Lieutenant-General Lothar Neethling, head of the police forensic service, loses a libel suit against two newspapers that had accused him of supplying poison for the assassination of anti-apartheid activists.

23 January

38. The International Commission of Jurists' report entitled "Signposts to Peace" accuses the South African police and the KwaZulu bantustan police of misconduct and partiality in the Natal conflict.

24 January

39. PAC rejects the ANC call for an all-party congress.

29 January

40. At their peace summit, ANC and the Inkatha Freedom Party (IFP) express their commitment to political tolerance.

1 February

41. President de Klerk announces in Parliament that the Land Act and Group Areas Act, as well as the Population Registration Act, will be repealed. He issues a "Manifesto for a new South Africa".

42. Some 20,000 supporters of ANC and PAC march on Parliament to demand the establishment of an elected constituent assembly.

5 February

43. The United Kingdom Prime Minister, John Major, advocates the ending of the sports boycott against South Africa.

7 February

44. The Ad Hoc Committee of Heads of State and Government on Southern Africa of the Organization of African Unity (OAU) resolves to maintain sanctions against South Africa.

14 February

45. The Labour Relations Amendment Bill is adopted by Parliament, translating into law the agreement reached among the Congress of South African Trade Unions (COSATU), the National Council of Trade Unions (NACTU) and the South African Employers' Consultative Committee on Labour Affairs (SACCOLA).

16 February

46. The Commonwealth Committee of Foreign Ministers on Southern Africa welcomes President de Klerk's latest pronouncements although it decides to maintain sanctions through a "programmed management approach".

47. Lawyer Bheki Mlangeni, an ANC member who had been investigating the activities of death squads within and outside South Africa, is killed at Soweto by a bomb hidden in a tape recorder.

20 February

48. The South African Auditor-General reports that the Civil Cooperation Bureau spent more than R 12.5 million during the 1989/90 financial year long after it was officially disbanded. R 11.8 million of that figure did not receive official authorization.

49. The moratorium on death sentences expires.

24 February

50. A Black man attempting to use a desegregated swimming pool is beaten to death by young White men.

51. The South African Law Commission completes three major projects on group and human rights, constitutional models and administrative law.

25 February

52. The South African authorities and some Black leaders, including Nelson Mandela, form a joint working group to seek solutions to the crisis affecting Black education.

26 February

53. The Soviet Union and South Africa agree to open "interest sections" in the Austrian embassies in Pretoria and Moscow.

54. Mr. de Klerk meets with six bantustan leaders, including Chief Buthelezi, to discuss the modalities of a multi-party conference.

55. South Africa approves a request by the International Labour Organisation (ILO) for a fact-finding mission to be sent to South Africa to investigate a COSATU complaint on the Labour Relations Amendment Act of 1988.

2 March

56. Twenty-four persons are killed at a migrant workers' hostel at Soweto.

4 March

57. The United Democratic Front ceases its activities and will formally dissolve in August 1991.

11 March

58. Thirty-three persons are killed and over 60 are injured in the township of Alexandra, Transvaal Province.

12 March

59. Five bills are introduced in Parliament for the repeal of the Black Land Acts of 1913 and 1936, the Group Areas Act of 1966 and the Black Communities Development Act of 1984.

60. Pretoria issues a White Paper on Land Reform, which envisages the abolition of racial provisions in the ownership of all land, except in the bantustans. No restitution of land is provided for.

14 March

61. High-level delegations from South Africa and Namibia discuss the future of Walvis Bay.

21 March

62. South Africa agrees that the Office of the United Nations High Commissioner for Refugees (UNHCR) will assist with the repatriation of South African political exiles. Substantive issues remain outstanding.

22 March

63. The ban on public meetings under the Internal Security Act is lifted, although permission to hold marches will still be needed.

23 March

64. The Nordic countries abolish the special guidelines applied for the granting of visas to South African citizens.

26 March

65. The International Olympic Committee grants conditional recognition to the Interim National Olympic Committee of South Africa. The moratorium on international competition remains until certain conditions are met.

27 March

66. Fifteen persons are killed and 18 are injured after gunmen fire at a funeral vigil in the Alexandra township.

29 March

67. Twelve ANC supporters are killed by police in the Daveyton township.

4 April

68. Archbishop Desmond Tutu urges anti-apartheid leaders to review the need for sanctions.

69. PAC criticizes Pretoria's White Paper on Land for not addressing the issue of restitution of land.

5 April

70. ANC addresses an open letter to Mr. de Klerk demanding that the regime undertake specific measures to end the violence and stating that, otherwise, ANC will suspend any further discussions with Pretoria on negotiations towards a new constitution.

12 April

71. The ANC's draft constitutional principles and a draft model for a constitution guarantee a non-racial democracy with basic freedoms enshrined in a bill of rights.

15 April

72. The European Community unanimously lifts the 1986 bans on the import of South African iron, steel and gold coins (Krugerrands).

16 April

73. ANC and PAC decide to convene a "Conference of Patriotic Forces" aimed primarily at uniting the oppressed.

74. Authorities ban the use of "dangerous weapons" such as axes, pangas and bush knives at public gatherings.

75. ANC announces the formation of self-defence units.

17 April

76. President de Klerk announces measures concerning violence including the organization of a two-day summit on violence in Pretoria on 24 and 25 May 1991.

77. The International Committee of the Red Cross (ICRC) resumes visits to prisoners in South Africa.

20 April

78. President de Klerk visits the United Kingdom, Denmark and Ireland.

22 April

79. Madagascar and South Africa agree to open a representative office in each other's countries.

23 April

80. Mr. de Klerk in London appeals to representatives of financial institutions to strengthen trade and investment links between the United Kingdom and Pretoria.

24 April

81. Four bills intended to repeal the Land Acts and the Group Areas Act are withdrawn from Parliament.

26 April

82. Sipho Madlala, a security and military police defector, claims that the assassination of Chief Mhlabunzima Maphumulo at Natal in March 1991, was part of a police and military intelligence operation.

28 April

83. Gertrude Shope, a member of the ANC National Executive Committee, is elected as president of the ANC Women's League.

29 April

84. South Africa plans to sell off its strategic oil reserves to raise up to R 2 billion ($US 770 million) to be used for the socio-economic upliftment of "disadvantaged communities".

85. Mr. de Klerk warns that the current "approach and culture of violence leads to polarization which may land us in a civil war".

86. More than 50 persons are killed and 176 are injured in the townships of Soweto and Alexandra.

30 April

87. The Human Rights Commission of South Africa underlines "a substantial discrepancy" between its figures on political prisoners and those of the Department of Justice.

88. COSATU outlines five major points for a new constitution, notably trade union rights; trade union independence; accountable government; a democratically planned economy; and equality between men and women.

89. The Danish Parliament votes in favour of retaining sanctions.

1 May

90. Hundreds of political prisoners go on a hunger strike to demand their release. At least 1,700 are still in jail.

2 May

91. A 20,000-person march demands the release of all political prisoners.

3 May

92. Authorities announce specific revisions to the Internal Security Act.

93. The South African Council of Churches proposes a peace conference to discuss the violence.

6 May

94. Finland upgrades its representation in South Africa to the level of ambassador.

11 May

95. At least 28 persons are killed, more than 30 are injured and many shacks are destroyed at the Swaniesville squatter camp, which is located in an "unrest area".

15 May

96. Winnie Mandela is sentenced to six years in prison after being convicted on charges of kidnapping and of being an accessory "after the fact" to the assault of four youths. Leave to appeal is granted.

18 May

97. ANC suspends its participation in constitutional discussions with Pretoria or in any all-party congress to discuss the mechanisms for drawing up a new democratic constitution.

22 May

98. PAC, in an open letter to Mr. de Klerk, questions the purposes of the multi-party conference on violence, underlining that "a crucial part of the agenda must be to advance the designs of the State".